

### III. REMARKS

#### A. BACKGROUND

The prior preliminary amendment, which was filed with the application, canceled claims 1-18 and added new claims 19-36. Claims 19, 33, and 35 were the independent claims. Claims 19, 33, and 35 are analog claims of method of using, structure, and method of making.

Claim 23 is canceled. Dependent claims 37-39 are added.

The independent claims remain 19, 33, and 35

A total of 20 claim and 3 independent claims are now pending. Accordingly, no claim fees are due.

#### B. RESPONSE TO OFFICE ACTION

Items 1-4 in the office action summarize the scope of examination. No response by the applicant is required to these items.

Item 5A in the office action objects to the drawings filed 19 July 2006 for failing to contain suitable descriptive labels and provides guidance as to what labels would be suitable. In response, and based upon the examiner's guidance in the office action, the applicant submits herewith replacement drawing sheets addressing these objections by including in Figs. 1, 3, 8, and 9 having added descriptive labels.

Item 5B in the office action objects to the drawings for not specifying certain claimed features noted in subsections 5B1-3.

Item 5B1 in the office action objects to recitation of a third coordinate system, referring to claim 23. In response, claim 23 is canceled and this issue is moot.

Item 5B2 in the office action objects to the recitation of a coordinate measuring device to measure temperature, referring to claims 29-31. In response, the claims have been amended to overcome the rejection. Please note the specification page 13 lines 1-12 supports measuring temperature and using the temperature measurement.

Item 5B3 in the office action objects to use of coefficient of thermal expansion, referring to claim 30. In response, the applicant has amended claim 30 formally. However, the amended claim 30 still recites use of coefficient of thermal expansion. This is because specification page 13 lines 1-12 support that recitation. See specifically "measure the temperature to calculate the variation" recited in lines 7-8. The "variation" referred to in lines 7-8 is the "variations in relative positions and scaling" discussed at lines 5-6. This paragraph therefore clearly discusses accounting for changes in scale based upon changes in size due to expansion or contraction with

temperature. Accordingly, the applicant believes that claim 30 as amended is proper. New dependent claim 39 contains a similar recitation.

Items 6 and 6.1 in the office action objects to the disclosure and require correction of the disclosure as noted in subsections 6A-C.

Item 6A in the office action requires section headings. In response, the applicant amends the specification to include section headings.

Item 6B in the office action requires a "We claim" recitation. In response, the applicant has amended the specification accordingly.

Item 6C1 in the office action objects to the specification's alleged failure to recite a "third coordinate measuring device" as recited in claim 23. Claim 23 is canceled and this issue is moot.

Item 6C2 in the office action objects to recitation of a coordinate measuring device measuring temperature, citing claims 29-31. In response, the applicant has amended claims 29-31 accordingly.

Item 6C3 in the office action objects to reciting a temperature sensor attached to a moveable structure. The applicant traverses this objection for the reason stated in response to item 5B3. See specifically specification page 13 lines 8-12

Items 7 and 7.1 in the office action reject claims 23 and 29-31 under the first paragraph of 35 USC 112. In response, the applicant has canceled claim 23 and amended claims 29-31 to moot these rejections. For the reasons discussed in connection with items 5 and 6, the applicant believes these rejections are not now proper.

Items 8 and 8.1 in the office action reject claims 23, 29-31, and 36 under the second paragraph of 35 USC 112. In response, the applicant believes the rejections of claims 23 and 29-31 are moot for the reasons discussed above. Moreover, claim 36 has been amended to depend from claim 35, which is believed to moot the basis for its rejection.

Item 9 is a statement of reasons for allowable subject matter. Item 10 is contact information for the benefit of the applicant. No responses to these items are required.

The applicant's representative and the examiner discussed a draft response on 12/17/2008 during which time the examiner kindly requested minor changes to the identification of locations of the newly added section headings.

The examiner is welcome to contact the undersigned via telephone at 703-415-0012 ext 21 if it appears that will expedite allowance.

Respectfully Submitted,

/RichardNeifeld#35,299/

12-18-2008

DATE

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Date/time code: December 18, 2008 (9:47am)

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